

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINCENT MATTHEW FORTIN,

Defendant.

CR-12-07-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 10, 2019. (Doc. 54.) Neither party filed objections. The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 9, 2019. (Doc. 50.) The United States accused Defendant Vincent Matthew Fortin of violating his conditions of supervised release by: (1) failing to report for substance abuse testing; (2) using methamphetamine; and (3) failing to report to his probation officer as directed. (Doc. 54 at 2.) The Court granted the Government's motion to dismiss alleged Violations 2 and 4. *Id.* at 2-3.

Judge Johnston recommended that the Court revoke Fortin's supervised release. (Doc. 54 at 3.) Judge Johnston recommended that Fortin should serve a term of custody of four months, followed by twelve months of supervised release. *Id.* Judge Johnston further recommended that Fortin serve the first sixty days of his supervised release at an inpatient drug treatment facility approved by the United States Probation Office. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Fortin's violations represent a serious breach of the Court's trust. A custodial sentence of four months followed by twelve months of supervised release, with the first sixty days of Fortin's supervised release spent in an inpatient drug treatment program, is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 54) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Vincent Matthew Fortin is sentenced to a term of custody of four months followed by twelve months of supervised release. Fortin shall spend the first sixty days of his period of supervision at an inpatient drug treatment facility approved by the United States Probation Office.

DATED this 26th day of April, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge